IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 7TH AUGUST 2007 / 16TH SRAVANA 1929

Bail Appl..No. 4760 of 2007()

(CRIME NO.291/2007 OF MEDICAL COLLEGE POLICE STATION, KOZHIKODE)

PETITIONERS/ACCUSED:

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1. **BABY GIRIJA,**
   ADAMPAT MEETHAL,P.O. NELLIKODE,
   KOZHIKODE.

2. **SURENDRAN, ADAMPAT MEETHAL,**
   P.O.NELLIKODE,KOZHIKODE.

BY ADV. SRI.P.V.KUNHIKRISHNAN

RESPONDENTS: COMPLAINANT & STATE:

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1. **SUB INSPECTOR OF POLICE,**
   MEDICAL COLLEGE POLICE STATION,
   KOZHIKODE.

2. **STATE OF KERALA**
   REPRESENTED BY PUBLIC PROSECUTOR,
   HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. S.U. NAZER

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 07/08/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J.

B.A.No.4760 of 2007

Dated this the 7th day of August 2007

O R D E R

Application for anticipatory bail. The petitioners face allegations in a crime registered inter alia under Sections 354 and 326 I.P.C. Altogether there are two accused persons. The alleged incident took place on 15/7/2007. The complaint was lodged before the police only on 24/7/2007. Admittedly there are civil disputes between the parties and their relationship is strained. The alleged grievous hurt suffered is the consequent extraction of one tooth. There is an allegation that sixth rib of the victim is fractured.

2. The learned counsel for the petitioner submits that the allegations have been raised belatedly only on account of the strain in the relationship between parties who are relatives and neighbours. Even admittedly no weapon of offence as such is used. A stone is the alleged weapon used. Considering the totality of the circumstances, an appropriate direction under Section 438 Cr.P.C may be issued in favour of the petitioners to save them from the trauma of arrest and detention, submits the learned counsel for the petitioner.

2. The learned Public Prosecutor does not oppose the application. In the circumstances to which I have already made brief reference above, I am satisfied that the petitioners can be granted anticipatory bail subject of course to conditions which shall ensure the interests of a fair, efficient and expeditious investigation.

3. In the result, this petition is allowed. Following directions are issued under Section 438 Cr.P.C in favour of the petitioners.

i) Petitioners shall surrender before the learned Magistrate having jurisdiction at 11 a.m on 14/08/2007.

ii) They shall be released on regular bail on condition that they execute bonds for Rs.25,000/-(Rupees twenty five thousand only) each with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

iii) The petitioners shall make themselves available for interrogation before the investigating officer between 10 a.m and 3 p.m on 16/07/2007 and 17/07/2007 and thereafter on all Mondays and Fridays between 10 a.m and 12 noon for a period of two months. Subsequently the petitioners shall so appear as and when directed by the investigating officer in writing to do so.

(iv) If the petitioners do not appear before the learned Magistrate as directed in clause (i), directions issued above shall thereafter stand revoked and the police shall be at liberty to arrest the petitioners and deal with them in accordance with law, as if these directions were not issued at all.

(v) If they were arrested prior to 14/08/2007, they shall be released from custody on their executing a bond for Rs.25,000/- (Rupees twenty five thousand only) without any sureties, undertaking to appear before the learned Magistrate on 14/08/2007.

(R.BASANT, JUDGE)

jsr

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007